

Comment Set 15



Contra Costa County
FLOOD CONTROL
& Water Conservation District

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July 23, 2003

Judy Brown
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Files: 2030 (Utilities)
3090-00, 3125-00

Dear Ms. Brown:

We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Concord to Sacramento Petroleum Pipeline Project of Santa Fe Pacific Partners, LP and offer the following comments:

1. Page B-9, Section B.3.1.2, Waterway Crossings

Although this is not an environmental issue, it is worth noting the following in the Draft Environmental Impact Report (DEIR).

In the second paragraph, the DEIR indicated that California State Lands Commission (CSLC) has jurisdiction over Walnut Creek, Grayson Creek and Pacheco Creek because of the State's (California) sovereign ownership of all tidelands and submerged lands and beds of navigable waterways. The Contra Costa County Flood Control and Water Conservation District (District) does not dispute this claim. However, the District also has jurisdiction over these flood control facilities since the District owns the lands for these watercourses in fee title and provides maintenance for facilities. The District will require the project owners to obtain from the District land rights or license agreement needed by the project owner to install the proposed petroleum pipeline within the District property. The project owner will need to complete the acquisition of the land rights/license agreement from the District prior to the start of work within the District-owned properties and rights of way.

The District currently requires that an environmental document address all land transactions that involve the District. If the project owners would need to acquire land rights/agreement from the District for this project, we recommend that the DEIR include a general discussion related to the land rights acquisition from the District. The inclusion of this discussion in the DEIR would eliminate the need for the project owners to submit a separate environmental document for the land rights transaction involving the District.

15-1

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2. Page D.8-11, Section D.8.2.3, under the subsection "Regional and Local", Ministerial Encroachment Permit

The District has determined that the issuance of an encroachment permit (normally called "Flood Control Permit") for construction of improvements within District right of way is a discretionary action and not ministerial. The discussion under this section should clarify that the project owners need a discretionary permit (Flood Control Permit) from the District for the proposed work within the District-owned properties and rights of way.

In addition, the discussion should also note that the project owners would need a Drainage Permit from Contra Costa County for work affecting drainage facilities in the unincorporated County areas, outside of the District properties and rights of way.

15-2

3. Page B-33, Section B.4.5, section "Waterway Crossing Techniques", subsection entitled "Open Cut"

This section indicated that the petroleum pipeline would be installed approximately 5 feet below the flow line (of the waterway/watercourse) to ensure that the pipe is not exposed by streambed scour. The 5 feet of soil cover will not be sufficient for the open cut pipe installation across Pacheco Creek. The District will require that the top of the pipeline or the protective casing for the pipeline (whichever one apply) must be at least 10 feet lower than the design invert of Pacheco Creek at the location of the crossing or 10 feet lower than the existing invert of the creek, whichever of these two elevations is lower.

The 10 feet minimum clearance would also apply to the proposed Horizontal Directional Drilling (HDD) of the petroleum pipeline across Grayson Creek and Walnut Creek.

15-3

4. Page D.8-4, Segment 1 (MP 0-6.1) Contra Costa County

In the second paragraph of this section, the DEIR recognized the fact that Pacheco Creek, Grayson Creek and Walnut Creek are trapezoidal (flood control) channel with levees on both banks.

The project proposes to install petroleum pipeline across Pacheco Creek using "open-cut" excavation. On the other hand, it proposes to install petroleum pipeline across Grayson and Walnut Creek using horizontal directional drilling (HDD) method.

The DEIR should evaluate the potential detrimental effects of the proposed "open-cut" excavation and directional drilling on the stability of the existing levees. In addition, the DEIR should include a discussion on how the adverse effects of the proposed open-cut excavation and drilling on the levees and the flood control channels could be eliminated.

15-4

5. Please make the following changes in Table A-1 on page A-2, the list entitled "Permits Required", under subsection "Local and Regional Agencies"

- Under the heading "Agency" - remove the word "Central" from the name of "Contra Costa County Flood Control and Water Conservation District".

15-5

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- Under the heading "Permit" - change "Ministerial Encroachment Permits" to "Land Rights or License Agreement, and Discretionary Permit"
- Under the heading "Jurisdiction/Purpose" - Replace "For several water crossings in the county" with "For work within District properties and rights of way"
- Under the heading "Jurisdiction/Purpose" for Encroachment Permit from Contra Costa County - Change the phrase "Crossings of county streets" to "Crossings of County streets and drainage facilities"

15-5

Please call me at (925) 313-2283 if you have questions.

Very truly yours,


Mario A. Consolacion
Senior Engineering Technician
Flood Control Engineering

MAC:cjd

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c. Paul Detjens, Flood Control
Eric Whan, Flood Control
Al Schaal, Transportation

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- 15-1 Text revisions included in this Final EIR provide a brief discussion of the approvals and agreements required by the Contra Costa County Flood Control and Water Conservation District. The Final EIR includes revisions in Table A-1 (Permits Required) and revisions to Draft EIR text in Section D.8.2.3 regarding requirements for hydrology and water quality (see Section 4, changes to page D.8-11).
- 15-2 The discussion of Regional and Local requirements in Section D.8.2.3 of the Draft EIR has been revised in this Final EIR (see Section 4, changes to page D.8-11) to clarify that a discretionary Flood Control Permit and a Drainage Permit would be required by the District.
- 15-3 Comment noted. The CSLC anticipates that the final depth of each crossing would be determined through the discretionary permit process administered by the District. The minimum clearance at Walnut and Grayson Creeks and Pacheco Creek would be included in the construction plans required by Mitigation Measures HS-1a (Construction Plans to Define Water Crossings) and HS-4a (Adequate Pipeline Burial and Protection) in the Draft EIR Section D.8, Hydrology and Water Quality, pages D.8-12 and D.8-18, respectively.
- 15-4 The Draft EIR (page D.8-12) includes a discussion of the Pacheco Slough crossing under the discussion for Impact HS-1: Discharge of Fine Sediments into Streamflow During Construction. The potential impacts related to construction of this crossing would be reduced with Mitigation Measure HS-1d (Pacheco Slough Crossing) of the Draft EIR page D.8-14, which would require directional drilling instead of trenching if water is present in the slough. If the crossing would proceed with trenching, the Draft EIR discusses how potentially adverse effects to the flood control facilities would be minimized. The integrity of levees would be protected by Mitigation Measure HS-1a (Construction Plans to Define Water Crossings) (see Section 4, changes to page D.8-12) and Mitigation Measure HS-6a (Floodplain Protection) of the Draft EIR page D.8-25, which would require components of the Proposed Project to provide floodplain protection and avoid disruption of stream cross sections.
- 15-5 Table A-1 (Permits Required) of this Final EIR has been revised to note the correct name of the FCWCD (see Section 4, changes to page A-1). The required agreement, permit, and purpose have also been revised, as recommended.

Comment Set 16



July 23, 2003

Mrs. Judy Brown
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

RE: SCH No. 2002022010 – EIR 711

Dear Ms. Brown:

As a first responder, public safety is my number one priority. That is why I support the proposed petroleum products pipeline that will run from Concord, through Solano County, to Sacramento. Proven technology will be used both in the construction and operation of the pipeline to protect the public, property and the environment.

The new proposed route avoids residential neighborhoods and sensitive environmental areas where possible. By moving the route east to significantly less populated areas, this not only reduces risk to the public health and environment, it should result in less third party disruption to the line and it also allows for better access to respond in the event of an emergency, both of which should be acknowledged in the final EIR.

The new replacement pipeline also poses significantly less risk of leaks. To guard against corrosion, the new pipeline will have a cathodic protection system and a special coating. 100% of the pipeline's welds will be inspected by x-ray and a computerized system will monitor the pipeline 24-hours per day.

Without the increased capacity provided by the new line, it is estimated that an additional 45,000 tanker trips annually through our community would be necessary to meet product demand. According to the California State Fire Marshall, moving petroleum products via pipeline is 300 times safer than transport by tanker trucks.

For all of these reasons, I urge the State Lands Commission to approve the proposed Concord to Sacramento pipeline by certifying the Final EIR at the appropriate time.

Sincerely,

Lou Paulson, President

LP/sd

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS • INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
CALIFORNIA STATE FEDERATION OF LABOR • CALIFORNIA PROFESSIONAL FIRE FIGHTERS

16-1

Responses to Comment Set 16

16-1 Comment noted. No response necessary.

Comment Set 17



Department of
Environmental Management
470 Chadbourne Road, 2nd Floor
Fairfield, California 94534

Planning Services Division
Phone: (707) 421-6765 / Fax: (707) 421-4805

Mike Yankovich
Planning Program Manager

July 23, 2003

Judy Brown
California State Lands Commission
100 Howe Ave., Ste. 100-South
Sacramento, CA 95825-8202

RE: Concord to Sacramento Petroleum Products Pipeline DEIR Comments

Dear Ms. Brown:

Thank you for the opportunity to review the above referenced Draft Environmental Impact Report. The DEIR appears to be well done and comprehensive. Solano County would, however, like to submit the following comments for consideration:

- Along the Hwy 680 stretch of pipeline, it is unclear whether the pipeline will be located within the Lopes Road right-of-way or outside the right-of-way. The text states that the route will run parallel to Lopes Road, however, it is difficult to determine if it is on private land or not. If it is to be located on private land, how far off of Lopes Road and the public right-of-way will it be? **17-1**
- The primary area of sensitivity along the proposed pipeline route, for which Solano County is concerned, is the portion of the route located within the Secondary Management Area of the Suisun Marsh. The erosion controls taken by the applicant appear to be adequate to mitigate serious erosion impacts to the lower reaches of the Suisun Marsh. Additionally, the mitigation requirement of having the route surveyed by a qualified biologist prior to construction, should ensure avoidance of sensitive habitat. **17-2**
- Environmental Health Services, Hazardous Materials Section submits the following statement:

Chapter 6.95 of the California Health and Safety Code requires Emergency Release Response Plans for any business that handles uses or stores quantities of hazardous materials at or above 55 gallons, 500 Pounds or 200 cubic feet of a gas and for any quantity of hazardous waste. The Business Plan is required for temporary staging yards during construction of the pipeline and for the pipeline itself when completed. This requirement is in addition to any other requirements already mentioned in the application. The Business Plans may be found on the Solano County WEB site: www.solanocounty.com and shall be submitted prior to occupying the yard site. Appropriate fees as authorized by the Solano County Board of Supervisors will be charged to the applicant and appropriate inspections will be conducted of the yard sites. **17-3**

The California State Fire Marshal has supervisory authorities for pipelines operating within the State of California and should be included for coordination on all approval documents.

Interstate and Intrastate pipelines depend on passive cathodic protection in the form of piping coatings and active cathodic protection in the form of sacrificial anodes or impress current devices. The application as written does not discuss active cathodic protection devices and it is unclear if these devices are required for proper safe operation of the pipeline.

Comment Set 17, cont.

Abandonment of the existing 14" pipeline will rely on purging the line then inerting it with nitrogen. Pressure will be maintained to prevent internal corrosion. Details regarding how the line is to be monitored and at what frequency are missing from the application. There is no mention of any plan to assess environmental contamination along the old pipeline.

17-4

The application indicates that the Elmira Booster station will be deactivated and the equipment removed. There have been at least two significant releases of fuel into the containment area of the booster station in the last 15 years. Kinder Morgan has conducted some field work to identify the extent of contamination and should continue to work with the Regional Water Quality Control Board, Central Valley Region, to fully assess the extent of contamination at the site.

17-5

Pipeline technology to some extent is similar to that of underground storage tanks but has not kept pace. The adverse effects of petroleum contamination into soil and groundwater have been well documented and the potential for catastrophic releases from pipelines is simply a matter of history. The development of double wall technology for pipelines is well past due and highly recommended. While we are unlikely to achieve this technological advancement during the completion of this project we should go on record to make our views known especially in view of the history of pipeline leaks in Solano County. Double wall technology would have prevented the catastrophic releases in the town of Elmira and nearby at Fox Road. At least three other releases have been recorded in Solano County.

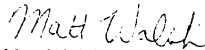
17-6

- The trenching of the pipeline will require grading permits from Solano County for land within our jurisdiction. Our grading engineer requests information and/or clarification regarding how the excess soil, generated from project trenching and backfilling, will be disposed of.

17-7

Questions relating to grading and erosion controls should be directed to Matt Tuggle in this office. Questions concerning hazardous materials and the construction of the pipeline should be directed to Mike Rees, also in this office. For any other concerns, I can be reached at (707) 421-6765.

Sincerely,



Matt Walsh
Senior Planner

Cc: Solano County Administrator
Brian Miller, City of Fairfield
Coulette Meunier, City of Benicia
Barry Munowitch, City of Suisun City
Kinder Morgan

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Responses to Comment Set 17

17-1 The highest level of detail regarding the location of the pipeline adjacent to Lopes Road is shown in the Draft EIR, Appendix 1E, Jurisdictional Delineation Maps. These maps generally show that the pipeline would be west of Lopes Road in a private right-of-way, although negotiations with Solano County Transportation Department and the City of Benicia would influence the final design.

17-2 Comment noted.

17-3 The requirements of the Environmental Health Services Division are shown in Section D.6.2.3 on page D.6-6 of the Draft EIR. Table A-1 (Permits Required) of this Final EIR has been revised to clarify that a business plan would be required for use and storage of hazardous materials above threshold quantities (see Section 4, changes to page A-1).

The requirements for internal corrosion control and monitoring are discussed with revised text under Impact S-2.2: Internal Corrosion of this Final EIR (see Section 4, changes to page D.2-39). Federal requirements mandate use of “active” cathodic protection in 49 CFR 195.579, Subpart H.

17-4 Decommissioning of the existing pipeline would occur according to the requirements of the California State Fire Marshal. Requirements would include ongoing monitoring and inspection for corrosion. The potential impacts associated with improper abandonment are discussed in Section D.2, Pipeline Safety and Risk of Accidents, of the Draft EIR page D.2-50 under Impact S-3: Pipeline Abandonment or Removal from Service. Mitigation Measure S-3a (Pipeline Abandonment Procedures) includes revisions in this Final EIR to clarify that the frequency of future inspection would be an important component of the abandonment report (see Section 4, changes to Section D.2.3.10, page D.2-51).

17-5 Known contaminated sites along the Existing Pipeline ROW Alternative, shown in Table D.6-8 of the Draft EIR page D.6-23, include the Elmira Booster Station. Ongoing restoration or remediation actions for known contaminated sites in the vicinity of the Proposed Project would continue with or without the Proposed Project. Although the Proposed Project would involve removing the Elmira Booster Pump Station from service (Section B.3.4 of the Draft EIR page B-22), SFPP would continue to be liable and responsible for any future discoveries of contamination associated with the abandoned pipeline system, and SFPP would continue to work with the Regional Water Quality Control Board on this issue as required.

17-6 Use of double-wall technology for the Proposed Project pipeline was not considered to be technologically feasible. The California State Fire Marshal (CSFM) prohibits double-walled piping for hazardous liquid pipeline systems, on the basis of design and construction difficulties, operation and maintenance problems, risk to the public and to the environment, and economic impact. The CSLC agrees with the CSFM position on this technology. The CSFM position is available in an informational bulletin released October 1998, available at <http://osfm.fire.ca.gov/pdf/informational/doublewall.pdf>.

17-7 Table A-1 (Permits Required) of the Draft EIR page A-1 notes that permits would be required from Solano County for crossing County streets or water crossings in the jurisdiction of the County. The Project Description (Draft EIR pages B-25 and B-29) shows that excess soils

would be returned to the trench or spread across the construction right-of-way. In areas where this would not be possible, excess soils could be exported from the site to a disposal facility. Final clarification of disposal methods would be negotiated with County administrators at the time of permit review.